

Secretary of War is further authorized and directed upon application by the next of kin in the case of individual identified remains, and authorized at his own discretion in the case of unidentified remains and in all cases of identified remains which are not returned to the homeland under the provisions of this Act to inter the remains in United States military cemeteries established outside the continental limits of the United States.

Acquisition of land abroad.

"SEC. 5. The Secretary of War is hereby authorized to acquire by purchase, gift, or devise, without submission to the Attorney General of the United States under the provisions of section 355 of the Revised Statutes (34 U. S. C. 520; 40 U. S. C. 255), land or interest in land in foreign countries necessary for the purposes of this Act, and to establish thereon United States military cemeteries. Cemeteries established by the Secretary of War under the authority of this Act are subject to the provisions of section 12, Public Law 456, Seventy-ninth Congress.

60 Stat. 318.  
36 U. S. C. § 132.

Rules and regulations.

"SEC. 6. The Secretary of War is authorized to prescribe such rules and regulations as may be necessary to carry out the purposes and provisions of this Act.

Appropriations authorized.  
*Ante*, p. 686.

"SEC. 7. There is hereby authorized to be appropriated from time to time such sums as may be necessary to carry out the provisions of this Act, said sums to be made available for civil functions administered by the War Department, 'Cemeterial expenses, War Department', to be expended under the direction of the Secretary of War.

Termination of Act, etc.

"SEC. 8. This Act and the authority granted therein and all rules and regulations promulgated thereunder shall terminate on December 31, 1951, or upon such earlier date as may be specified in a proclamation by the President, or in a concurrent resolution by the two Houses of Congress as the date beyond which further continuance of the authority granted by this Act is not necessary in the public interest, whichever date is earliest: *Provided*, That as to any applications provided for under sections 3 and 4 filed prior to such termination date, the provisions of this Act and such rules or regulations promulgated pursuant thereto shall be treated as remaining in force for the purpose of providing for the return or overseas burial of remains in proper cases."

Prior applications.

Design and construction of cemeteries abroad.

SEC. 9. The American Battle Monuments Commission shall be solely responsible for the permanent design and construction of the cemeteries to be established in foreign countries under section 5 of this Act and of all buildings, plantings, headstones, and other permanent improvements incidental thereto. The Secretary of War is authorized to undertake such temporary construction as will be necessary for the accomplishment of this Act and to maintain such cemeteries in a suitable condition until such time as the functions of administration thereof shall pass to the American Battle Monuments Commission in accordance with section 12 of Public Law 456, Seventy-ninth Congress, or any other law.

Temporary construction.

60 Stat. 318.  
36 U. S. C. § 132.

Approved August 5, 1947.

#### [CHAPTER 498]

#### AN ACT

To provide for the reincorporation of The Institute of Inter-American Affairs, and for other purposes.

August 5, 1947  
[H. R. 4168]  
[Public Law 369]

Institute of Inter-American Affairs Act.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there be, as of the date of enactment of this Act, created as an agency of the United States of America a body corporate with the name of "The Institute of Inter-American Affairs" (in this Act called the "Institute").

SEC. 2. The purposes of this corporation are to further the general welfare of, and to strengthen friendship and understanding among, the peoples of the American Republics through collaboration with other governments and governmental agencies of the American Republics in planning, initiating, assisting, financing, administering, and executing technical programs and projects, especially in the fields of public health, sanitation, agriculture, and education.

SEC. 3. The Institute, as a corporation—

(a) Shall have succession for a period of three years unless sooner dissolved by an Act of Congress.

(b) May adopt, alter, and use a corporate seal, which shall be judicially noticed.

(c) May make and perform contracts with any individual, corporation, or other body of persons however designated, whether within or without the United States of America, and with any government or governmental agency, domestic or foreign.

(d) Shall determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid.

(e) May, as necessary for the transaction of the business of the Institute, employ officers, employees, agents, and attorneys in accordance with the provisions of the civil service and classification laws, except that the Institute may, without regard to the civil service and classification laws, employ, and fix the compensation of, officers, employees, agents, and attorneys of the Institute employed for service outside the continental limits of the United States: *Provided*, That the salary of any person thus employed shall not exceed the maximum salary established by the classification laws, and that the Institute may require bonds of any employee and pay the premiums of such bonds: *Provided further*, That no person who is a citizen of the United States not presently employed by the Institute of Inter-American affairs or the Inter-American Educational Foundation, Inc., shall be employed under authority of this paragraph (e) until such person has been investigated by the Federal Bureau of Investigation: *Provided further*, That no person not a citizen of the United States shall be employed under authority of this paragraph (e) for service in any American Republic of which such person is not a citizen except with the specific approval of the Government of the American Republic concerned.

(f) May acquire by purchase, devise, bequest, or gift, or otherwise, lease, hold, and improve such real and personal property as it finds to be necessary to its purposes, whether within or without the United States, and in any manner dispose of all such real and personal property held by it and use as general funds all receipts arising from the disposition of such property.

(g) Shall be entitled to the use of the United States mails in the same manner and on the same conditions as the executive departments of the Government.

(h) May, with the consent of any board, corporation, commission, independent establishment, or executive department of the Government, including any field service thereof, avail itself of the use of information, services, facilities, officers, and employees thereof in carrying out the provisions of this Act.

(i) May accept money, funds, property, and services of every kind by gift, devise or bequest, or grant, or otherwise, and make advances and grants to any individual, corporation, or other body of persons, whether within or without the United States of America, or to any government or governmental agency, domestic or foreign, when deemed advisable by the Institute in furtherance of its purposes.

(j) May sue and be sued, complain, and defend, in its corporate name in any court of competent jurisdiction.

Purposes.

Rights and powers.

Employment.

Salary; bonds.

Investigation by  
FBI.

Employment of  
noncitizens.

Acquisition and dis-  
posal of property.

Use of U. S. mails.

Use of services, etc.,  
of Government agen-  
cies.

Acceptance of  
money, etc.

Other powers.	(k) Shall have such other powers as may be necessary and incident to carrying out its powers and duties under this Act.
Termination of Institute.	SEC. 4. Upon termination of the corporate life of the Institute all of its functions shall be liquidated and, thereafter, unless otherwise provided by Congress, the assets shall be transferred to the United States Treasury as the property of the United States.
Board of directors.	SEC. 5. (a) The management of the Institute shall be vested in a board of directors (hereinafter referred to as the "Board") of not less than five in number, each of whom shall be appointed by the Secretary of State from among the officials and employees of the Department of State and, in the discretion of the Secretary of State and with the consent of the Chiefs of other departments or agencies respectively concerned from among the officials and employees of other United States Government departments and agencies: <i>Provided</i> , That no person shall be appointed as a director under authority of this paragraph (a) until such person has been investigated by the Federal Bureau of Investigation.
Investigation by FBI.	(b) The Secretary of State shall designate one director as Chairman of the Board.
	(c) The directors shall hold office at the pleasure of the Secretary of State.
Compensation.	(d) The directors shall receive no additional compensation for their services as directors but may be allowed actual necessary traveling and subsistence expenses incurred by them in the performance of their duties as directors.
	(e) The Board shall direct the exercise of all the powers of the Institute.
Rules, etc.	(f) The Board may prescribe, amend, and repeal bylaws, rules, and regulations governing the manner in which the business of the Institute may be conducted and in which the powers granted to it by law may be exercised and enjoyed: <i>Provided</i> , That a majority of the Board shall be required as a quorum.
Quorum.	(g) In furtherance and not in limitation of the powers conferred upon it, the Board may appoint such committees for the carrying out of the work of the Institute as the Board finds to be for the best interests of the Institute, each committee to consist of two or more of the directors, which committees, together with officers and agents duly authorized by the Board and to the extent provided by the Board, shall have and may exercise the powers of the Board in the management of the business and affairs of the Institute.
Committees.	SEC. 6. The Institute shall be a nonprofit corporation and shall have no capital stock. No part of its revenue, earnings, or other income or property shall inure to the benefit of its directors, officers, and employees and such revenue, earnings, or other income, or property shall be used for the carrying out of the corporate purposes herein set forth. No director, officer, or employee of the corporation shall in any manner directly or indirectly participate in the deliberation upon or the determination of any question affecting his personal interests or the interests of any corporation, partnership, or organization in which he is directly or indirectly interested.
Nonprofit corporation.	SEC. 7. When approved by the Institute, in furtherance of its purposes, the officers and employees of the Institute may accept and hold offices or positions to which no compensation is attached with governments or governmental agencies of the other American Republics.
Positions with other American republics.	SEC. 8. The Secretary of State shall have authority to detail employees of the Department of State to the Institute under such circumstances and upon such conditions as he may determine: <i>Provided</i> , That any such employee so detailed shall not lose any privileges, rights, or seniority as an employee of the Government by virtue of such detail.
Detail of employees.	

SEC. 9. The principal office of the Institute shall be located in the District of Columbia, but there may be established agencies, branch offices, or other offices in any place or places within the United States or the other American Republics in any of which locations the Institute may carry on all or any of its operations and business under bylaws or rules and regulations.

Principal office,  
agencies, etc.

SEC. 10. The Institute, including its franchise and income, shall be exempt from taxation now or hereafter imposed by the United States, or any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority.

Exemption from  
taxation.

SEC. 11. The right to alter, amend, or repeal this Act is hereby expressly reserved. If any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operations to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Rights reserved.  
Separability of pro-  
visions.

SEC. 12. The Institute of Inter-American Affairs and the Inter-American Educational Foundation, Inc., two Government corporations caused to be created under the laws of the State of Delaware on March 31, 1942, and September 25, 1943, respectively, by the Coordinator of Inter-American Affairs, shall, within ten days following the enactment of this Act, transfer to the corporation created by this Act all necessary personnel, the assets, funds, and property—real, personal, and mixed—and all debts, liabilities, obligations, and duties, and all rights, privileges, and powers subject to all restrictions, disabilities, and duties of the two said corporations, and the corporation created by this Act, shall accept full title to and ownership of all the assets, funds, and property—real, personal, and mixed—and all debts, liabilities, obligations, and duties, and all rights, privileges, and powers subject to the said restrictions, disabilities, and duties of the two said corporations and all such debts, liabilities, obligations, and duties of the two said corporations shall henceforth attach to the corporation created by this Act and may be enforced against it to the same extent as if said debts, liabilities, obligations, and duties had been incurred or contracted by the corporation created by this Act: *Provided*, That all citizens of the United States presently employed by the Institute of Inter-American Affairs or the Inter-American Educational Foundation, Inc., and transferred under authority of this section 12 to the corporation created by this Act shall be investigated by the Federal Bureau of Investigation within six months following the date of enactment of this Act: *Provided further*, That no person not a citizen of the United States presently employed by the Institute of Inter-American Affairs or the Inter-American Educational Foundation, Inc., for service in an American Republic of which such person is not a citizen, and transferred under authority of this section 12, shall be retained in such service for a period exceeding three months from the date of enactment of this Act except with the specific approval of the government of the American Republic concerned.

Transfer of funds,  
property, etc.

Investigation of em-  
ployees by FBI.

Retention of non-  
citizens.

SEC. 13. The Institute shall be subject to the provisions of the Government Corporation Control Act (Public Law 248, Seventy-ninth Congress).

59 Stat. 597.  
31 U. S. C. § 841 et  
seq.

SEC. 14. There are authorized to be appropriated, at a rate not to exceed \$5,000,000 annually, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this Act.

Ante, p. 584.  
Appropriation au-  
thorized.

This Act may be cited as the "Institute of Inter-American Affairs Act".

Short title.

Approved August 5, 1947.